

FEB 17 2011

RECEIVED
CENTRAL FAX CENTER

FEB 14 2011

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

LU05018USU

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 7,122,828Application Number 10/671,303Issue Date 10/17/2006Filing Date 09/24/2003

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent

Is a reissue of original Patent No. _____ original issue date _____
 original application number _____
 original filing date _____

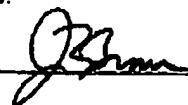
resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
 filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

November 18, 2010

Signature



Jay M. Brown

Typed or Printed Name of Person Signing Certificate

04/07/2011 CKHLOK 00000007 7122828

(page 1 of 3)

01 FC:1551

02 FC:1558

980.00 OP

1640.00 OP

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, CKHLOK 11/24/2010 DALLEN 00000034 7122828

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

-2620.00 OP

FEB 14 2011

PTO/SB/68 (03-08)

Approved for use through 03/31/2012. OMB 0851-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1986, no person is required to respond to a collection of information unless it displays a valid OMB control number

1. SMALL ENTITY

 Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

 Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|--|---------------|--------|-----------------------------|---------------|--------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input checked="" type="checkbox"/> \$ 980 | 3 1/2 yr fee | (1551) | <input type="checkbox"/> \$ | 3 1/2 yr fee | (2551) |
| <input type="checkbox"/> \$ | 7 1/2 yr fee | (1552) | <input type="checkbox"/> \$ | 7 1/2 yr fee | (2552) |
| <input type="checkbox"/> \$ | 11 1/2 yr fee | (1553) | <input type="checkbox"/> \$ | 11 1/2 yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 980

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 1,640

5. MANNER OF PAYMENT

 Enclosed is a check for the sum of \$ _____ Please charge Deposit Account No. _____ the sum of \$ _____ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

 The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

(Page 2 of 3)

PTO/SB/68 (03-09)

Approved for use through 03/31/2012. OMB 0651-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

OR Credit to Deposit Account No. _____

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


 Signature(s) of Petitioner(s)
 Jay M. Brown (Rule 34)
 Typed or printed name(s)
 (919) 522-0312

November 11, 2010

Date

30,033
 Registration Number, if applicable

Telephone Number
 The Law Office of Jay M. Brown

Address

6409 Fayetteville Rd., Ste. 120-306, Durham, North Carolina 27713

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

Maintenance Fee Payment

Surcharge under 37 CFR 1.20(l)(2) (fee for filing the maintenance fee petition)
